

### **REMARKS/ARGUMENTS**

The office action of March 11, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-31 remain pending in this application.

#### **Information Disclosure Statement Issues**

Initialed copies of the PTO-1449 Form for the Information Disclosure Statements filed on July 13, 2001, May 24, 2002 and October 4, 2002 have not been returned to the undersigned with any office action to date. In this regard, Applicants have discovered that the Examiner apparently examining the instant application and related application serial no. 09/804,496 concurrently, as evidenced by the closeness of the mailing dates of the office actions in these applications, inadvertently commingled some PTO-1449 Forms filed in the instant application with the related application. Specifically, the office action mailed December 18, 2002 in related application serial no. 09/804,496 included PTO-1449 Forms identifying the instant application and not related application serial no. 09/804,496. Namely, an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement dated July 13, 2001 in the instant application was returned (essentially citing the same references as identified in the PTO Form 1449s provided in the related application) and an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement on May 24, 2002 in the instant application was returned with the December 18, 2002 office action in the related application serial no. 09/804,496. In view of the above, applicants respectfully request that the Examiner return initialed copies of the PTO-1449 Forms filed with the Information Disclosure Statements in the instant application on July 13, 2001 and May 24, 2002 with the next communication.

#### **Section 112 Rejection**

Claim 10 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection. The amendment to claim 10 is to clarify the language and not for reasons related to patentability.

The action alleges that the recitations of “detecting absence of the first physical presence ... and discontinuing display of the first display widget ...” are not described in the specification. Initially, applicants note that rejected claim 10 was part of the original application as filed and as

such, in and of itself, provides support for the claimed features. In addition, the specification provides further support at, for example, page 6, lines 13-21, which at lines 19-21 specifically state that “[a] transition indicative of a user breaking physical contact with the device, such as by lifting his finger off the device, can cause the tool tip to be dismissed from the display.” Further and perhaps even more compelling support can be found at page 12, line 13 to p. 13, line 13 which describes an example of the features of claim 10:

A transition in a touch indication provided by the input device reflective of the user then making physical contact with an auxiliary control, such as by touching the control with a finger may cause a display widget to be displayed. A transition indicative of a user breaking contact with the auxiliary control, such as by lifting his finger off the control, causes the display widget to be dismissed. To prevent user distraction, these detected transitions can initiate corresponding predefined animation sequences that occur over preset time intervals in which the display widget either begins to fade into view (typically from an invisible, i.e., totally transparent, state to eventually a predefined semi-transparent state) as soon as user contact begins, and then begins to fade out from view (i.e., eventually back to its invisible state) as soon as user contact with the auxiliary control is broken, for example, as soon as the user lifts his or her finger from the control. Furthermore, depending on a specific touch-sensitive auxiliary control used, it is sometimes preferable to begin the fading after a brief time delay or "cooling period" occurs. For example, the user may reach the edge of the touchpad and "reclutch" his or her hand (e.g., briefly lift up his or her finger and then re-center it on the pad) to continue pointer motion. It might be annoying for the display widget to begin fading immediately when this happens. A brief time delay (e.g., approximately 0.5 to 1.0 seconds), coupled with continued contact sensing of the finger, prior to the start of the fading allows brief reclutchings of this sort without any changes to the screen display. Similarly, if a user has not touched the auxiliary control for a sufficiently long period of time, a similar time delay, coupled with sensing for a release of user contact, prior to the start of a fade-in might be used to prevent a short inadvertent contact from causing the display widget from fading in and then out, and otherwise annoying the user.

(Emphasis added); see p. 37, lines 1-10; p. 54, lines 3-11. In at least the locations of the specification referenced here, it is clear that the illustrative embodiments described provide support for claim 10. As such, withdrawal of this rejection is requested.

### Prior Art Rejections

Claims 20-26 and 28-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 5,905,493 to Belzer et al. ("Belzer"). Applicants respectfully traverse this rejection.

The action contends that Belzer discloses all the features of independent claim 20. Specifically, the action alleges that Belzer in Figs. 1, 2 and 13 discloses a keyboard, a display device and circuitry for displaying associated programs when the control system detects the user contacting the Internet buttons and the color coded button on the keyboard. Also, the action contends that Belzer discloses "the text "Chat" and "what would you like to talk about?" is provided as a tool tip that [is] associated with the selected Chatting Window that identifies the application Chat will be launched by activating the Chat button on the keyboard."

Belzer describes a color coded arrangement having colored function keys provided on a keyboard in combination with corresponding colored instructional icons provided on each screen display generated by the video display unit of the computing system. Figure 1 of Belzer shows a keyboard 100 including colored function keys 102, 104, 106 and 108, which respectively correspond to a group of colored instruction icons 112, 114, 116 and 118 on the screen display shown in Figure 2. The meaning associated with each color remains the same irrespective of which screen display the user is viewing in any given software application. Figure 2 is a screen display 160 related to the CHAT subject area generated by the application program within the Internet access device. Presumably, the screen display 160 is generated by the application program in response to a user input command such as a user pressing the <CHAT> key on the keyboard 100 shown in Fig. 1.

Regarding claim 20, the action would appear to suggest that the recitation of detecting a first physical presence proximate to or contacting a first auxiliary control is satisfied by detecting a user pressing the <CHAT> key in Belzer. As amended, claim 20 clarifies that the step of detecting occurs without activating the first auxiliary control in reciting detecting a first physical presence proximate to or contacting a first auxiliary control *without activating the first auxiliary control*. Notably, in Belzer pressing the <CHAT> key is tantamount to activating the <CHAT> key. Similarly, pressing any of the color coded keys activates the function associated with the

key. Even assuming, but not admitting, that the title header 162 or the query module 163 including the display of the phrase “what would you like to talk about?” in Belzer could somehow be construed as a tool tip associated with the <CHAT> key or the color coded keys, that data is displayed in response to activation of the <CHAT> key and not in response to detecting a first physical presence proximate to or contacting a first auxiliary control *without activating the first auxiliary control* as called for in claim 20. Indeed, one advantage that may be realized with the claim 20 invention is that a user can learn the functionality of an auxiliary control by being proximate to or contacting the control without activating the control. For at least this reason, claim 20 is patentably distinguishable from Belzer.

Claims 21-26 and 28-29, which ultimately depend from claim 20, are patentably distinct from Belzer for the same reasons as claim 20 and further in view of the additional advantageous features recited therein. For example, claim 25 recites that the tool tip identifies an application that will be launched by activating the auxiliary control. With Belzer the auxiliary control has already been activated causing an application or function to occur. Thus, if, for the sake of argument, we assume that Belzer discloses a tool tip, the information displayed clearly does not identify an application that *will be launched* by activating the auxiliary control, because the control has already been activated and so has the functionality associated with the control. As another example, claim 29 calls for, among other features, the step of displaying the second display widget includes displaying the second display widget responsive to simultaneous detection of the first physical presence and the second physical presence, the second display widget representing a tool tip associated with the combination of the first auxiliary control and the second auxiliary control. Nowhere does Belzer describe displaying a second display widget representing a tool tip associated with the *combination of the first auxiliary control and the second auxiliary control* responsive to *simultaneous detection* of the first physical presence and the second physical presence as recited in claim 29.

Claims 1-3, 5-19, 27 and 30<sup>1</sup> stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Belzer in view of U.S. patent no. 6,020,881 to Naughton et al. ("Naughton"). Applicants respectfully traverse this rejection.

The action alleges that Belzer shows all the features of independent claims 1, 9 and 18, but for the physical presence being detected for a predefined period. To overcome this deficiency, the action relies on Naughton.

Independent claims 1, 9 and 18 each call for, among other features, detecting a first physical presence proximate to or contacting a first auxiliary control for a predefined period *in which the first auxiliary control maintains an inactive state*. Contrary to the action's assertion and as similarly described above with respect to claim 20, Belzer neither teaches nor suggests detecting a first physical presence proximate to or contacting a first auxiliary control *in which the first auxiliary control maintains an inactive state*. Indeed, Belzer detects selection or activation of a function key rather than a physical presence proximate to or contacting a control in which the control maintains an inactive state. Naughton does not remedy this defect. Thus, for at least this reason, the combination of Belzer and Naughton even if (but not conceding) proper does not result in the inventions recited in claims 1, 9 and 18.

In addition claim 1 further calls for generating feedback responsive to the step of detecting, the feedback providing an indication of the functionality of the first auxiliary control, *the functionality of the first auxiliary control and associated feedback being dependent upon which one of a plurality of applications is active*. Belzer neither teaches nor suggests such a feature. Indeed, the colored function keys teach away from such a feature as expressed in Belzer at col. 5, line 65 to col. 6, line 8:

In an important aspect of this preferred embodiment, each color is assigned a definition which remains universal throughout the entire operation of the computing system such that the selection of a particular color, via function key or instructional icon, is interpreted by the computing system in the exact same fashion to initiate/perform the exact same function. By defining each color in a universal fashion and matching each colored function key to an identically colored instructional icon, the preferred embodiment allows a user to quickly and

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<sup>1</sup> From inspection of the claims and the rejection, it is apparent that the action intended to reject claim 30 rather than claim 31 over the combination of Belzer, Naughton and Barber and also intended to reject claim 31 over the combination of Belzer and Naughton.

easily learn to operate the particular computing system through simple color association.

Naughton is wholly devoid of a teaching or suggestion of generating feedback responsive to the step of detecting, the feedback providing an indication of the functionality of the first auxiliary control, *the functionality of the first auxiliary control and associated feedback being dependent upon which one of a plurality of applications is active*. For this additional reason, the combination of Belzer and Naughton is deficient and does not result in the claim 1 invention.

Independent claim 9 further recites generating feedback responsive to the step of detecting, the feedback providing an indication of the functionality of the auxiliary control, the generating further including displaying a display widget on the display screen responsive to the step of detecting, wherein the display widget identifies a text macro associated with the first auxiliary control. The action alleges that the chat window in Figure 2 of Belzer identifies a text macro associated with the <CHAT> key. Applicants cannot find anything in Figure 2 or the accompanying disclosure that describes any key or auxiliary control having an associated text macro, that is a block of text which is inserted when the auxiliary control is activated. Not surprisingly, Belzer also lacks a teaching or suggestion of displaying a display widget identifying a text macro associated with the auxiliary control responsive to detecting the physical presence proximate to contacting the control as recited in claim 9. Naughton fails to cure this further deficiency. Consequently, claim 9 is also patentably distinct from the combination of Belzer and Naughton for this additional reason.

Independent claim 18 further calls for detecting a second physical presence proximate to or contacting a second auxiliary control different from the first auxiliary control and generating other feedback responsive to the step of detecting the second physical presence, the other feedback indicating functionality associated with the combination of the first auxiliary control and the second auxiliary control. While Belzer describes separate interface controls having the same function, nowhere does Belzer describe generating feedback providing an indication of the functionality of a first auxiliary control and generating other feedback indicating functionality associated with the combination of the first auxiliary control and second auxiliary control as recited in claim 18. Naughton does not remedy this defect. For this further reason, the combination of Belzer and Naughton does not result in the claim 18 invention.

Claims 2, 3, 5-8 and 10-17, which ultimately depend from claim 1, and claim 19, which ultimately depend from claim 18, are patentably distinct from the combination of Belzer and Naughton for the same reasons as their ultimate base claim, and further in view of the advantageous features recited therein. For example, claim 8 calls for the first display widget including a user interface through which a user may change settings of the functionality of the first auxiliary control. While Belzer describes alternate embodiments in which the color coding scheme can be refined, there is no teaching or suggestion of the first display widget including a user interface through which a user may change settings of the functionality of the first auxiliary control, much less as to how the actually refining of the color coding scheme would occur.

Claims 27 and 30 ultimately depend from claim 20, which was rejected under Belzer only. As described above Belzer neither teaches nor suggest the features of claim 20. Naughton does not cure the deficiencies of Belzer with respect to claim 20. Thus, claims 27 and 31 are patentably distinct over the combination of Belzer and Naughton for the same reasons as claim 20, and further in view of the additional advantageous features recited therein.

Claims 4 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Belzer and Naughton and further in view of U.S. patent no. 5,973,670 to Barber et al. ("Barber"). Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1 and claim 30 depends from claim 20. Barber does not cure the defects of Belzer and Naughton noted above with respect to claims 1 and 20. For at least this reason, the combination of Belzer, Naughton and Barber, even if proper, does not result in the claim 4 and 30 inventions.

Appln. No.: 09/804,383  
Amendment dated June 13, 2005  
Reply to Office Action of March 11, 2005

### CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

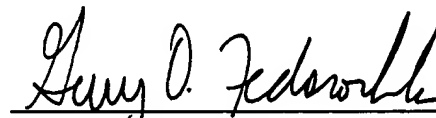
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:



Gary D. Fedorochko  
Registration No. 35,509

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001  
GDF:lab